IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 1751 of 2003

Between:

P. Narsinga Rao, S/o. Mallaiah,
R/o.H.No.10-3-109/39, Lohiya Nagar,
East Marredpally, Secunderabad.

..... PETITIONER

AND

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1 The Commissioner of Police, Basheerabagh, Hyderabad.
2 The Station House Officer, Humayun Nagar Police Station, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent herein in trying to implicate the petitioner in Crime No.175/2002 of Humayun Nagar Police Station, Hyderabad by calling him to Humayun Nagar Police Station and detaining him illegally for hours thereby causing harassment to the petitioner as illegal, arbitrary and violation of Fundamental rights of the petitioner and also is in violation of Articles 14 and 21 of the Constitution of India and in violation of the provisions of the S.C & S.T. (POA) Act and consequently direct the respondents not to harass the petitioner by calling him to the Humayun Nagar Police Station without properly investigating into the same without following due process of law.

Counsel for the Petitioner: MR.J.CH.Y.NARASIMHAM

Counsel for the Respondents: GP FOR HOME

The Court made the following :

ORDER:

The second respondent registered a crime in Crime No.175 of 2002 under Section 506 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act'). The crime was registered on a complaint given by Mr. K. Ramanujaya (not made a party to this writ petition) to Hon'ble the Chief Justice, Hon'ble One-man Commission for Atrocities on Scheduled Castes and Scheduled Tribes of Andhra Pradesh, and the Inspector of Police, Humayun Nagar. The complaint was forwarded to the second respondent to register a crime.

Though the complaint in a sense was given against one Mr.Saibaba, who allegedly committed offence under Section 3(i)(x) of the Act, the petitioner filed the present writ petition apprehending that he might also be implicated in the crime. Mere apprehension that a person might be implicated in a crime is not a ground for invoking the jurisdiction of this court under Article 226 of the Constitution of India. Even if a crime is registered against a person, it is always open to him to seek remedy before the appropriate Criminal Court by filing an application for discharge, after the police file a report.

The Writ Petition is misconceived and the same is accordingly dismissed. No costs.

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V.V.S. RAO, J.

8th July, 2005

Js

To

1 The Commissioner of Police, Basheerabagh, Hyderabad.
2 The Station House Officer, Humayun Nagar Police Station, Hyderabad.

3 Two CCs to G.P. for Home, High Court Buildings, Hyderabad.

4 2 CD copies.